C.W.P.No. 2256 of 2007

Date of decision: 13-2-2007

Hari Singh Vs. State of Haryana and others

CORAM:- HON'BLE MR. JUSTICE K.S.GAREWAL
HON'BLE MR. JUSTICE AJAI LAMBA

Present: Shri Sandeep Kotla, Advocate,
for the petitioner.

K.S.GAREWAL,J.

Hari Singh has filed this petition to restrain respondents 2, 3 and 4 from demolishing his house in village Dahar, Tehsil and District Panipat. According to Hari Singh the house is to be demolished by the Gram Panchayat of the village to construct a street so that the main street is connected to the southern side. Parts of petitioner's house and Karam Singh's house encroached upon the said proposed street.

Karam Singh was served a notice by the Panchayat for the demolition of his house. He approached the Civil Court where the Sarpanch appeared and undertook that if any damage was caused to Karam Singh's house while demolishing Hari Singh's house he would be compensated by the panchayat. The said suit before Civil Judge, Junior Division Panipat was withdrawn by Karam Singh on January 25, 2007.

The site plan of the property filed before the Civil Judge in the suit entitled Karam Singh Vs. Gram Panchayat is Annexure P-1. The proposed street is on the eastern side of the house of Karam Singh. The house adjoining Karam Singh's house is that of the petitioner. In the said suit Karam Singh's counsel had stated that Gram Panchayat received orders

to demolish Hari Singh's house and if any damage is caused to the plaintiff's house while demolishing Hari Singh's house the plaintiff would be compensated immediately. Raghbir Singh, Sarpanch, also went on to state that he had full authority to demolish Hari Singh's house.

Whatsoever may be Karam Singh's case in the above mentioned civil suit, the fact of the matter is that the petitioner herein has not disclosed the true facts regarding the notice received by him for the construction of street and demolishing of his house. There must be some proceedings between the petitioner and the Gram Panchayat which led to the latter seeking to demolish his house. The present petition is in the nature of a suit for permanent injunction and even then the detailed averments with real facts of the matter have not been placed on record.

This petition is totally without merit and is dismissed.

(K.S.GAREWAL)
JUDGE

(AJAI LAMBA)
JUDGE

February 13, 2007
RSK